

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Civil Action No. 5:23-cv-00349-D-RN

RONALD JOHNSON,

Plaintiff,

v.

TOWN OF SMITHFIELD, MICHAEL
SCOTT, in his individual and official capacity
as TOWN MANAGER, TIMOTHY
KERIGAN, in his individual and official
capacity as TOWN HUMAN RESOURCES
DIRECTOR, TERRY WEST, in his individual
and official capacity as TOWN POLICE
DEPT. LT., KEITH POWELL, in his
individual and official capacity as TOWN
POLICE CHIEF, MARLON LEE, in his
individual and official capacity as TOWN
COUNCIL MEMBER, THE JOHNSTON
COUNTY SCHOOL BOARD OF
EDUCATION, TODD SUTTON, in his
individual and official capacity as MEMBER
and FORMER CHAIR, TERRI SESSOMS, in
her individual and official capacity as
MEMBER, TERRY TIPPETT, in his
individual and official capacity as MEMBER,
MICHAEL WOOTEN, in his individual and
official capacity as MEMBER, and
CURRENT CHAIR, KAY CARROLL, in his
individual and official capacity as MEMBER,
KEVIN DONOVAN, in his individual and
official capacity as MEMBER, SUSAN
DOYLE, DISTRICT ATTORNEY of
JOHNSTON COUNTY, in her individual and
official capacity, RICHARD HOFFMAN, in
his individual and official capacity,
BENJAMIN O. ZELLINGER, in his
individual and official capacity as Special
Prosecutor, ANGIE MCLEOD, JIMMY

**TOWN DEFENDANTS' MOTION
TO EXTEND THE PAGE
LIMITATION**

LAWRENCE, DAVID MARSHBURN, and)
the ESTATE of JOSEPH PRESTON.)
)
Defendants.)

NOW COME Defendants Town of Smithfield, Michael Scott, in his individual and official capacity as Town Manager, Timothy Kerigan, in his individual and official capacity as Town Human Resources Director, Terry West, in his individual and official capacity as Town Police Lt., Keith Powell, in his individual and official capacity as Town Police Chief, and Marlon Lee, in his individual and official capacity as Town Council Member (hereinafter collectively referred to as the “Town Defendants”), by and through undersigned counsel, and hereby moves the Court to extend the page limitation for Town Defendants’ forthcoming Memorandum of Law in Support of their Motion to Dismiss. In support of this Motion, Town Defendants show as follows:

1. The Town Defendants accepted service on June 29, 2023.
2. The Complaint with attachments is 223 pages, with 15 causes of action asserted against 21 separate defendants, not including the separate individual capacity claims that are alleged. Of these causes of action, 12 are asserted against varying Town Defendants.
3. In Defendants’ forthcoming Memorandum of Law in Support of their Motion to Dismiss, due on September 8, 2023, Town Defendants seek dismissal of all Plaintiff’s Claims for Relief asserted against them.
4. Given the extensive number of distinct and complex issues that need to be addressed in Town Defendants’ forthcoming Memorandum of Law, in part due to the length of Plaintiff’s Complaint, Town Defendants request an extension of the page limitation from 30 pages to 45 pages to address all the claims and arguments at issue.
5. Counsel for Town Defendants consulted with counsel for Plaintiff before filing this Motion and Plaintiff’s counsel does not oppose the motion.

6. This Motion is made in good faith and not for any purposes of delay.

WHEREFORE, Town Defendants respectfully request the Court extend the page limitation to 45 pages for their Memorandum of Law in Support of their Motion to Dismiss.

This the 7th day of September, 2023.

HARTZOG LAW GROUP LLP

/s/ Daniel N. Mullins

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*Attorney for Defendants Town of Smithfield,
Michael Scott, Timothy Kerigan, Terry West, Keith
Powell, and Marlon Lee*

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system, which will send electronic notification to all registered CM/ECF participants.

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Respectfully submitted this the 7th day of September, 2023.

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